

An appendix below shows amendments to the application.

Objection to the specification. The Office Action Summary sheet box “9)” is checked indicating the “specification is objected to by the Examiner.” Perhaps this was done by mistake in that the Office action does not list any defects in the specification. The undersigned attorney has corrected all mistakes of which he is aware.

35 U.S.C. § 102(b): Thomas et al. Claims 1, 9, 11, 12, 19, 24, 25, 26, and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Thomas et al (5,425,100).

It is believed that the present invention and Thomas et al. are significantly different. The present invention concern protecting content. For example, claim 1 recites:

Claim 1 recites:

“selecting a set of segments of content from a group of segments to be protected; protecting the segments of the set with protection that can be undone; and transmitting the group of segments.” (Emphasis added.)

Claims 9, 11, 12, 19, 24, 25, 26, and 28 also include reference to protected segments.

A context into which the present invention may reside is explained in the application on page 5, lines 6-12:

“The invention concerns partially protecting content to be provided to remote computers, only some of which will have the ability and permission to undo the partial protection and produce the entire content remotely. There are a variety of reasons to partial protect content and allow restricted undoing of the protection. For example, under one use, the invention includes placing vacation videos on the World Wide Web, but protecting some segments, such as those showing children. Then, certain family members or friends can see all segments, while other members of the public can see only the undo protection of segments.”

By contrast, Thomas et al. is concerned with a way “to measure television (TV) ratings.” (Col. 1, line 18.) To accomplish this purpose, the invention relates “to a method and apparatus for monitoring broadcast signals, and more particularly to a universal broadcast code, methods and apparatus for encoding and monitoring a signal.” (Col. 1, lines 11-14.) “In brief, the objects and advantages of the present invention are achieved by a multi-level encoded signal monitoring system and a universal broadcast code (UBC). A plurality of encoders are provided for encoding a predetermined program source signal. The program source signal has a plurality of sequential segments. Each encoder is arranged for selectively encoding information on unique specified segments.” (Col. 1, line 63 to col. 2, line 2.)

There is nothing in Thomas et al. that suggests that encoding provides protection to the group of segments. Indeed, many types of encoding provide no protection because decoding is readily understood. For example, MPEG provides encoding, but does not provide protection because decoding of MPEG signals is readily known.

The Office action, p. 2, states:

“3.3.1 In regard to claims 1, 9, 11, 12, 19, 24, 25, 26 & 28, Thomas et al (‘100) disclose the breaking up of content, e.g., a video and audio signal, into segments. The segments are then selectively protected by encoding/scrambling the segments. Finally, the encoded information is transmitted to the user. The user then may use the correct key to decrypt the encrypted segments of the transmitted content so that the user may use the content.”

However, the Office action does not provide any citations to Thomas et al. that support the assertions in the Office action. In fact, Thomas et al. does not say the segments are selectively protected by encoding/scrambling the segments and it does not say a key is used to decrypt the encrypted segments. The words “scrambling,” “key,” and “decrypt” and related words are not used at all in Thomas et al. There is no concept of protection in Thomas et al., only the concept of encoding. As noted above, there can be encoding with protection (e.g., MPEG encoding is easily decoded and provides not protection).

The Office action, p. 5, states:

“(A) the instant claims do not restrict how many of the segments are to be encoded, applicant’s argument’s in regard to encoding less than all of the segments are non persuasive.” Hence, applicant is arguing unclaimed distinctions and merits.”

The arguments made in this Preliminary Amendment do not depend on the number of segments to be encoded. Accordingly, this response to the arguments of the previous amendment, which are essentially the same as those of the present amendment, is not understood.

In the absence of any teaching of Thomas et al. that the segments are protected, it is believed that the rejections should be withdrawn.

35 U.S.C. § 103(a): Thomas et al. Claims 2-8, 10, 13-18, 20-23, 27, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas et al (5,425,100) as applied to claims 1, 9, 11, 12, 19, 24, 25, 26, and 28 above and further in view of obvious variations.

Claims 2-8, 10, 13-18, 20-23, 27, and 29 are each dependent on one of the claims rejected under section 102(b) above. Accordingly, these claims also include reference to protected

segments. As noted, Thomas et al. does not say the segments are selectively protected by encoding/scrambling the segments and it does not say a key is used to decrypt the encrypted segments. The words "scrambling," "key," and "decrypt" and related words are not used at all in Thomas et al. There is no concept of protection in Thomas et al., only the concept of encoding. As noted above, there can be encoding with protection (e.g., MPEG encoding is easily decoded and provides not protection). Because Thomas et al. is significantly different than the present invention, it is believed that the rejections should be withdrawn.

Conclusion.

It is believed that the rejections should be withdrawn. Note that because it is not specifically argue that certain limitations of a claim are not in the references is not a concession that a reference or combination of references includes the limitations. That a particular statement made in the Office action is not contradicted is not a concession that it is agreed with. Further, merely because the patentability of every dependent claim is not separately argued is not a concession that there are not additional reasons for patentability of these dependent claims.

Applicant believes the application is in condition for allowance and respectfully requests the same.

Respectfully submitted,

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Amendments to the application are shown in an Appendix beginning on the following page.

APPENDIX:

Please amend the application as follows.

VERSION WITH MARKINGS TO SHOW AMENDMENTS

Please add the following new claim.

30. (New) A method of providing content, comprising:

selecting a set of segments of content from a group of segments to be protected;

protecting the segments of the set with protection that can be undone; and

transmitting the group of segments,

wherein selecting the set involves selecting at least some of the set for visual scrambling and protecting the set includes visual scrambling those segments selected for visual scrambling, wherein visual scrambling involves using a key, and wherein selecting the set involves designating those segments to be protected.